



GAIL FARBER, Director

March 1, 2016

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE:

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

27 March 1, 2016

Dear Supervisors:

REVISED

Lori Glasgow
LORI GLASGOW
EXECUTIVE OFFICER

**SECOND AMENDMENT TO LEASE NO. 25970 BETWEEN
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
AND WCPP-LK, LLC AND WCPP-CT, LLC
WALNUT CREEK PARCELS 289, 292, AND 473
IN THE CITY OF WEST COVINA
(SUPERVISORIAL DISTRICT 5 1)
(3 VOTES)**

SUBJECT

This action is to approve a Second Amendment to Lease No. 25970 between the Los Angeles County Flood Control District and WCPP-LK, LLC and WCPP-CT, LLC, along portions of Walnut Creek in the City of West Covina.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Find this transaction categorically exempt from the provisions of the California Environmental Quality Act.
2. Find the Second Amendment to Lease No. 25970 between the Los Angeles County Flood Control District and WCPP-LK, LLC and WCPP-CT, LLC to extend the expiration of the term by an additional 20 years will not interfere with the use of the property by the Los Angeles County Flood Control District.
3. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or her designee to sign the Second Amendment to Lease No. 25970 and authorize delivery to WCPP-LK, LLC and WCPP-CT, LLC.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to obtain approval from the Board, acting as the governing body of the Los Angeles County Flood Control District, to extend the term of the current Lease between the District and WCPP-LK, LLC and WCPP-CT, LLC for the use of the District's right of way along portions of Walnut Creek Parcels 289, 292, and 473, located in the City of West Covina, for vehicular parking purposes. The Second Amendment to Lease No. 25970 will be substantially the same as the enclosed (Enclosure A).

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness/Fiscal Sustainability (Goal 1). The revenue from this transaction will help promote fiscal sustainability for the operation and maintenance of flood control facilities.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The current annual rent is \$140,150. The subsequent years' rent will be adjusted in accordance with changes in the Consumer Price Index for All Urban Consumers with appraisals at 5-year intervals.

All revenues will be deposited into the Flood Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Walnut Creek Parcels 289, 292, and 473 are located south of West Covina Parkway and west of California Avenue in the City of West Covina.

The Second Amendment to Lease No. 25970 is authorized by Section 2, subsection 13, of the Los Angeles County Flood Control Act. This section provides as follows: "Said Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and has all the following powers... 13. To lease... any property (or any interest therein) whenever in the judgment of the board of supervisors... the property, or any interest therein or part thereof... may be leased... without interfering with the use of the same for the purposes of the district..."

The Honorable Board of Supervisors
March 1, 2016
Page 3

County Counsel has reviewed and will approve the Second Amendment to Lease No. 25970 as to form prior to execution by the District.

ENVIRONMENTAL DOCUMENTATION

The Second Amendment to Lease No. 25970 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15304 of the CEQA Guidelines and Class 1 and Class 4(j) of the Environmental Document Reporting Procedures and Guidelines adopted by the Board on November 17, 1987. These exemptions provide for leasing, operation, and maintenance of existing public facilities; and minor alterations to land, which do not have a significant effect on the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action allows for the joint use of the District's right of way without interfering with the primary mission of the District.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Survey/Mapping & Property Management Division.

Respectfully submitted,



GAIL FARBER
Director of Public Works

GF:SGS:el

Enclosure

c: Auditor-Controller (Accounting Division—Asset Management)
Chief Executive Office (Rochelle Goff)
County Counsel
Executive Office

ENCLOSURE A

Lease No. 25970
Walnut Creek—Parcel 289 affects Parcels 292 and 473
Right-of-Way Map No. 20-RW 7.6
Assessor's Identification No. 8475-002-903
Supervisory District ~~5~~ 1
Thomas Guide Page/Grid 638-F1

SECOND AMENDMENT TO LEASE NO. 25970

This Second Amendment to Lease No. 25970 is entered into and effective this _____ day of _____ 201~~5~~⁶ by and between the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic (hereinafter referred to as DISTRICT), and WCPP-LK, LLC, a Delaware Limited Liability Company and WCPP-CT, LLC, a Delaware Limited Liability Company, as tenants in common (hereinafter referred to as LESSEE).

RECITALS

WHEREAS, DISTRICT is the fee owner of certain lands designated and described as Walnut Creek, including certain open channel improvements constructed thereon; and

WHEREAS, on June 24, 1975, DISTRICT and Cal-Park Shopping Center, Ltd., entered into Lease No. 25970 to construct a cover over portions of DISTRICT'S channel improvements as described in Lease No. 25970 to provide additional surface parking for Cal-Park Shopping Center, Ltd.'s adjacent property; and

WHEREAS, Cal-Park Shopping Center, Ltd., assigned its interest in Lease No. 25970 to LESSEE pursuant to Assignment and Assumption of Lease No. 25970 dated October 18, 2003, and recorded on November 5, 2003; and

WHEREAS, on May 11, 2004, LESSEE entered into a First Amendment to Lease No. 25970 with DISTRICT, which extended the expiration of the term of Lease No. 25970 by ten (10) years, from April 27, 2025, to April 26, 2035; and

WHEREAS, LESSEE desires to extend the expiration of the term of Lease No. 25970 for additional twenty (20) years from April 27, 2035, to April 26, 2055.

NOW, THEREFORE, in consideration of the foregoing recitals, DISTRICT and LESSEE hereby agree to amend Lease No. 25970 as follows:

1. The term of the Lease shall be extended by twenty (20) years and shall expire on April 26, 2055.
2. Except as amended herein, all other provisions of the lease and the first amendment to the lease shall remain in full force and effect.

This Amendment has been executed on behalf of DISTRICT and LESSEE by and through their respective duly authorized representatives, on the _____ day of _____ 20_____.

DISTRICT:

LOS ANGELES COUNTY
FLOOD CONTROL DISTRICT,
a body corporate and politic

GAIL FARBER
Director of Public Works

By _____
STEVEN G. STEINHOFF
Its Assistant Deputy Director
Survey/Mapping & Property Management Division

APPROVED AS TO FORM

MARY C. WICKHAM
County Counsel

By _____
Deputy

By _____

Date _____

LESSEE:

WCPP-LK, LLC, a Delaware Limited
Liability Company and
WCPP-CT, LLC, a Delaware Limited
Liability Company, Tenants in Common

By _____

Date 9/26/15

BY _____

Date 9-28-2015

ACKNOWLEDGMENT FORM

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____, before me, _____, Notary Public,
(insert name of the officer) (insert title of the officer)

personally appeared _____
(insert name(s) and title(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_____

(Seal)

NOTARIES: ATTACH ADDITIONAL OR OTHER FORMS, IF REQUIRED

ACKNOWLEDGMENT FORM (FOR COUNTY USE ONLY)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

On _____, before me, _____, Deputy Clerk of the County of Los Angeles, personally appeared _____

_____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DEAN C. LOGAN, Registrar-Recorder/
County Clerk of the County of Los Angeles

By _____
Deputy County Clerk

(Seal)